

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)
 BY FRANK AND DOROTHY VAVRA,)
 GREGORY, SOUTH DAKOTA, AGAINST)
 QWEST COMMUNICATIONS, INC.)
 REGARDING UNAUTHORIZED SWITCHING OF)
 SERVICES)

ORDER FINDING
 PROBABLE CAUSE AND
 NOTICE REQUIRING
 ANSWER
 CT99-065

On November 23, 1999, the Public Utilities Commission (Commission) received a complaint filed by Frank and Dorothy Vavra, Gregory, South Dakota (Complainants), against Qwest Communications, Inc. (Qwest) regarding alleged unauthorized switching of telecommunications services. Complainants request "(1) Give credit to the Complainants for all unauthorized charges from Qwest - \$35.11, (2) Send \$5 switching fee, (3) Pay lawyer charges and fees if a lawyer is needed, (4) Pay court fees, (5) Pay penalty as South Dakota law as of July 1, '99 states per violation, and (6) Fine the company Qwest when proof of violation is ascertained."

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On January 6, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Qwest and Qwest shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 12th day of January, 2000.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in property addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Aldine Kalbo</u></p> <p>Date: <u>1/13/00</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Pam Nelson
 PAM NELSON, Commissioner

Laska Schoenfelder
 LASKA SCHOENFELDER, Commissioner